GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare Department – Appeal petition filed by Sri Bikkili Adinarayana, S/o B.Maddileti, Occ: APSRTC Employee, Kurnool District, against the proceedings Rc.C6/1560/M/2015, dated 01.12.2016 of the District Collector, Kurnool- under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition dismissed – Orders -Issued.

SOCIAL WELFARE (CV.1) DEPARTMENT

G.O.MS.No. 46 **Dated: 19-04-2018**
Read the following:

1. Proceedings of the District Collector, Kurnool, Rc.C6/1560/M/2015, dated 01.12.2016.
2. Appeal petition Appeal Petition filed by Sri Bikkili Adinarayana, S/o B.Maddileti, Occ: APSRTC Employee, Kurnool District, through his advocate on 13.12.2016.
3. Govt. Memo No.421632/CV.1/2016, dated 30.05.2017.
4. From the District Collector, Kurnool, Lr. Rc. C6/1560/M/2015, dated 22.06.2017.

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ORDER:

In the reference 1st read above, the District Collector, Kurnool has issued orders canceling the SC– Adi Andhra caste certificate obtained from the Mandal Revenue Officer, Sirvella Mandal, Kurnool District in the year 1997 by Sri Bikkili Adinarayana, S/o B.Maddileti.

2. In the reference 2nd read above, Sri Bikkili Adinarayana, S/o B.Maddileti, has filed an Appeal Petition before the Government, against the Proceedings of the District Collector, Kurnool. After examining the said Appeal Petition, Government have admitted the Appeal Petition and called for the parawise remarks and connected records from the District Collector, Kurnool in the reference 3rd read above.

3. In the reference 4th read above, the District Collector, Kurnool has furnished the Parawise remarks on the Appeal Petition filed by Sri Bikkili Adinarayana, S/o B.Maddileti.

4. The said Appeal Petition has been posted for hearing on 24.06.2017 and the same has been informed to the Appellant and the Counsel for the Appellant in the reference 3rd read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. The appellant/ Counsel for the appellant attended for hearing and argued the case.

5. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant / the parawise remarks submitted by the District Collector, Kurnool and proceedings of the District Collector, Kurnool dated 01.12.2016, the Appellate Authority has observed that:

I. The appellant in his grounds has stated that his parents have (6) male children and no female issues and the appellant's father has given him adoption to his brother namely Sri Pedda Maddilety @ B. Santenna, who married SC Women as the adopted parents had no children. Further he has stated that either natural parents or adopted parents are not educated persons, therefore, no adoption was executed during that time.

II. The District Level Scrutiny Committee has observed that before the DLSC, the appellant has stated that a complaint has been made against him by his enemies viz., S. Sanjeeva Reddy, where there is a land dispute

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between them. Further he has stated that as per the directions of his parents, his caste was recorded as Adi Andhra (SC) in School records. Further, the DLSC has given opportunities to the appellant to produce the evidences in support of his SC community claim, even though the appellant has not produced any other evidence, other than caste certificate . Further the DLSC observed that he is following 'Boya' caste traditions. Further, the appellant has not produced registered documents of adoption also. Based on the findings of the DLSC, the District Collector has cancelled the appellant's caste certificate.

III. Further it is observed that in Circular Memo. No. 10956/CV1/97-2, S.W (CV) Department, dt.16.2.1998 instructions were issued by the Government for issuance of Caste Certificates. As per the said instructions, the adoption rules are as follows:

1) In deciding whether an adoption is valid, the certificate issuing Authority should satisfy himself that all the requirements of law have been complied with. He should also take into account the behavior of the child after adoption whether he physically lives with and is supported by his adoption parents and receives no financial help from his original parents. In case these conditions are not satisfied, the certificate should be refused.
2) The Caste Certificates in case of adopted children by Scheduled Caste and Scheduled Tribe parents, the powers are delegated to Joint Collectors. The Joint Collectors should exercise greater care in issuing of this type of certificate.
3) The Caste Certificates in the above cases shall be issued only for the children below 15 years of age. The adopted children should live for a minimum period of 5 years with the adopted parents for issue of Caste Certificates in the adoption cases.

IV. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

V. The Appellate Authority has observed that during the course of hearing of the case, the appellant submitted his arguments as per his grounds in appeal petition and stated that the lower authority failed to observe that he was adopted to Adi-Andhra family and brought up within that family as such he is able to prove his case as he belongs to SC Adi-Andhra community. On verification of the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record it is noticed that except the above contention nothing was placed for appreciation of the case of the appellant and he failed to produce any documentary evidence to prove his adoption to SC Community family and further noticed that the appellant is not in the fold of SC Community. It is also observed that he is disposing that he was given adoption to his uncle, who married a SC girl, but he has not produced any adoption deed in support of his claim. Further, as per the Circular Memo. No. 10956/CV1/97-2, S.W (CV) Department, dt.16.2.1998, the caste of person will be confirmed based on his parents. In the instant case, the appellant has claimed the SC-Adi Andhra caste, based on his adoptive mother, but he has not produced any documents in support of his claim. It is further brought to the notice that the certificate earlier issued to the individual was in a routine manner and the same was cancelled after conducting detailed and thorough enquiry into the caste status of the individual. That as per the act that the burden of proving that the appellant belongs to particular caste s hall be on the appellant and it is the responsibility of the appellant to produce necessary evidence and

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documents to claim the same. In the instant case that the appellant except relaying the evidence filed before the lower authority to produce any material more particularly the evidence of adoption for appreciation of the case on hand. As seen from the record the lower authority passed the order after reasonable appreciation of the evidence available on record as per law which deserves no interference. Hence, it is apparent that the appeal is devoid of any merits and there is no infirmity either in the findings of the DLSC or the learned District Collector, Kurnool District. That taking consideration of the above and the material available on the record that it can be concluded that the lower authority passed the order as per law which does not deserve any interference.

6. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the appeal petition filed by Sri Bikkili Adinarayana, S/o B.Maddileti, does not deserve any interference. Hence, Proceedings of the District Collector, Kurnool issued vide Rc.C6/1560/M/2015, dated 01.12.2016, is hereby upheld and the Appeal Petition filed by Sri Bikkili Adinarayana, S/o B.Maddileti, is hereby dismissed and the Certificate issued by the then Mandal Revenue Officer, Sirvella Mandal, Kurnool District is deemed to be cancelled .

7. The District Collector, Kurnool is directed to take necessary consequential action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT

To

The District Collector, Kurnool..

Sri Bikkili Adinarayana, S/o B. Maddileti,
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Sirivella Mandal,
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Sri Challa Shiva Shankar, Advocate,
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The Regional Manager,
A.P.S.R.T.C., Kurnool District.

Copy to :
The PS to M(SWE& TWE).
The PS to Secretary(SW&TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER